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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,164	05/29/2007	Margit Teltschik	13838-00005-US	1591

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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON, DE 19899

EXAMINER

ROBINSON, CHANCEITY N

ART UNIT	PAPER NUMBER
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1795

MAIL DATE	DELIVERY MODE
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06/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/579,164	TELTCHIK ET AL.	
	Examiner	Art Unit	
	CHANCEITY N. ROBINSON	1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/12/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (US 5,889,116) in view of Dudek et al. (WO 01/88615 A1).

Regarding claims 1-15, Suzuki et al. disclose a process for the production of the flexographic printing plate by thermal development (abstract). The flexographic printing plate comprises of a stable substrate and photopolymerizable layer (col. 10, lines 9-26). The photopolymerizable relief-forming layer comprises of an elastomeric binder (col. 2, line 31),

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ethylenically unsaturated monomers (col. 2, lines 37-38), plasticizer (column 9, lines 50-56) and photoinitiator (col. 9, lines 29-35). Suzuki et al. disclose an imagewise exposure of the photopolymerizable laser actinic radiation (page 10, lines 46-56), heating of the exposed flexographic printing plate to a temperature of from 40 to 200 °C (example 1). Suzuki et al. disclose the elastomeric binder is at least one styrene/butadiene copolymer having a molecular weight of from 80000 to 250000 g/mol and styrene content of from 15 to 35% by weight, based on the binder, the proportion of butadiene present in 1,2-linked form being at least 15% by weight, based on the binder, and the amount of the styrene/butadiene block copolymer is from 35 to 50% by weight and that of the plasticizer is from 25 to 50% by weight, based in each case on the sum of all components of the relief-forming layer (col. 7, lines 4-51 & col. 8, lines 29-33 & example 1). Suzuki et al. disclose a mixture furthermore comprises at least one mineral oil (petroleum resin) and at least polybutadiene oil (col. 9, lines 19-56). Suzuki et al. disclose the photopolymerizable layer additionally comprises up to 20% by weight of at least one secondary binder (copolymer; col. 1, line 65- col. 2, line 40).

However, Suzuki et al. do not explicitly disclose the process step of removal of the softened, unpolymerized parts of the relief-forming layer with formation of a printing relief or imagewise exposure on a digitally imageable layer through a mask. Dudek et al. disclose a process for preparing a flexographic printing plate (abstract) which comprise of a dimensionally stable substrate (support; page 9, lines 23-38) and photopolymerizable layer (page 10, lines 8-9). Dudek et al. disclose the process step of removal of the unpolymerized parts of the photopolymerizable layer (page 15, lines 6-36) while in contact with an absorbent material (page 15, line 37- page 6, line 32). The removal process aids in providing internal strength and tear

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resistance to temperature up to, including and slightly beyond the melting temperature of the uncured photopolymerizable material. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the removal process step of Dudek et al. in the process of Suzuki et al. because Dudek et al. disclose the removal process aids in providing internal strength and tear resistance to temperature up to, including and slightly beyond the melting temperature of the uncured photopolymerizable material. Dudek et al. the imagewise exposure of the photosensitive element to actinic radiation may be conducted in the presence or absence of atmospheric oxygen for photosensitive elements having an in situ mask (page 14, lines 22-24) in order to assure good contact between the image transparency and the photosensitive element. The mask can be an IR-ablative mask or thermographic mask (page 13, lines 15-30). The flexographic printing element has a digitally imageable layer (page 13, lines 5-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include imagewise exposure on a digitally imageable layer through a mask as disclosed by Dudek et al. in the process of Suzuki et al. because Dudek et al. disclose the imagewise exposure on a digitally imageable layer through a mask aids in providing good contact between the image transparency and the photosensitive element.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHANCEITY N. ROBINSON whose telephone number is (571)270-3786. The examiner can normally be reached on Monday to Thursday: 7:30 am-6:00 pm eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (571)272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chanceity N Robinson/
Examiner, Art Unit 1795

/Cynthia H Kelly/
Supervisory Patent Examiner, Art Unit 1795